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IDAHO PUBLIC  
UTILITIES COMMISSION



August 19, 2008

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington Street  
Boise, ID 83702

Re: Case Nos. AVU-E-08-01 and AVU-G-08-01  
Answer of Avista Corporation to Petition to Intervene of Bennett Forest Industries

Enclosed for filing with the Commission in the above-referenced docket are the original and seven copies of Avista's Answer to the Petition of Bennett Forest Industries to Intervene.

Sincerely,

A handwritten signature in black ink that reads "Kelly O. Norwood". The signature is written in a cursive style.

Kelly O. Norwood  
Vice President

Enclosures

c: Service List

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this 19th day of August, 2008, served Avista's Answer to the Petition of Bennett Forest Industries to Intervene in Docket No. AVU-E-08-01 and AVU-G-08-01 upon the following parties, by mailing a copy thereof, property addressed with postage prepaid to:

Jean D Jewell, Secretary  
Idaho Public Utilities Commission  
Statehouse  
Boise, ID 83720-5983

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 UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION	)	CASE NO. AVU-E-08-01
OF AVISTA CORPORATION FOR THE	)	
AUTHORITY TO INCREASE ITS RATES	)	ANSWER OF AVISTA
AND CHARGES FOR ELECTRIC AND	)	CORPORATION TO
NATURAL GAS SERVICE TO ELECTRIC	)	PETITION TO INTERVENE
AND NATURAL GAS CUSTOMERS IN THE	)	OF BENNETT FOREST
STATE OF IDAHO	)	INDUSTRIES
_____	)	

COMES NOW, Avista Corporation (hereinafter “Avista” or “Company”),  
 pursuant to RP 57 and 75, and hereby answers the late-filed Petition to Intervene of  
 Bennett Forest Industries, Inc. (“Bennett Forest”).

I.

On August 18, 2008, Bennett Forest filed an untimely petition to intervene in  
 Case No. AVU-E-08-01. Bennett Forest is an electric service customer of Avista, taking  
 service under Schedule 25 (“Extra Large General Service”). It seeks permission to “ask  
 clarifying questions on case-examination of witnesses supporting the Settlement

Stipulation,” in order to assist it in preparing comments by the September 5, 2008 deadline.

## II.

It is highly unusual for a petition to intervene to be filed as late in the process as the instant petition. Avista filed its application for rate relief on April 3, 2008, and by Order No. 30528, dated April 16, 2008, the Commission suspended the proposed rates, and issued a Notice of Intervention Deadline of May 9, 2008. By further notice, a procedural schedule was established, followed by a notice of public workshops. The late-filed petition to intervene was filed more than three months after the publicly-noticed deadline for intervention, after a Settlement Stipulation was reached, and only ten (10) days before the technical hearing set for August 28, 2008 for consideration of the Stipulation.

## III.

Rule 73 provides, inter alia, that “Petitions not timely filed must state a substantial reason for delay.” Petitioner, in para. V(2.), argues that, because it has not previously participated in Avista’s rate proceedings, it “has been unaware of its rights of participation.” It was, however, provided with the same public notices that were provided to the general public by the Company and the Commission with respect to what was otherwise a well-publicized filing, including the notices of the procedural schedule, and the intervention deadline.

Petitioner also contends that customers taking service under Schedule 25 (“Extra Large General Service”) “...were not represented in the discussions and negotiations

leading to the filing of the Settlement Stipulation herein.” (See para. V(1.)) This, of course, fails to appreciate the role that the Commission Staff plays in the process, as it looks after the interests of all customers, to assure that no class or customer is unfairly disadvantaged.<sup>1</sup> (Moreover, Potlatch Corporation, who did intervene, does have two customer accounts taking service under Schedule 25: the Potlatch – St. Maries Plant and the Potlatch – Post Falls Plant.)

#### IV.

Avista recognizes and appreciates, however, the Commission’s interest in providing an opportunity for customers to express their views. The September 5, 2008 comment deadline, standing alone, would provide that opportunity for comment. Should the Commission, however, elect to grant this late intervention, Avista urges the Commission to condition such intervention in a way that will not broaden the issues, disrupt the process, or otherwise prejudice existing parties. (Bennett Forest, for its part, has acknowledged in its Petition that it is bound by all prior notices and orders and that it will not broaden the issues or disrupt the existing schedule.)

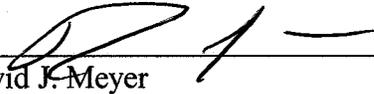
WHEREFORE, Avista respectfully urges the Commission to condition any grant of late-filed intervention, so as to avoid any disruption or delay of the proceeding and the

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<sup>(1)</sup> Bennett Forest also asserts that its annual expense for electric service will increase by approximately \$200,000 under the terms of the Stipulation. While they and other customers on Schedule 25 will see an overall impact on billed revenue of 11.45% (12.73% for residential), the Company calculates an impact of \$127,000 on Bennett Forest.

broadening of the issues to the prejudice of the parties.

Respectfully submitted this 19<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
David J. Meyer  
Vice President, Chief Counsel for Regulatory  
and Governmental Affairs